

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANTONIO DELK,

Civil No. 11-1101 (JRT/SER)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JOHN KING,

Respondent.

Antonio Delk, #223282, 970 Pickett Street North, Bayport, MN 55001, pro se petitioner.

Kimberly Parker and Matthew Frank, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL** 445 Minnesota Street, Suite 1800, St. Paul, MN 55101, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated September 22, 2011. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 5], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application to proceed in forma pauperis, [Docket No. 2], be **DENIED**; and
2. This action be summarily **DISMISSED WITHOUT PREJUDICE**

Dated: October 18, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge